

## CITY COUNCIL MINUTES

January 12, 2009  
REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, January 12, 2009 at 6:00 p.m. with Mayor J. M. Holmes presiding and City Clerk Joseph G.R. Labrie recording the minutes.

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL:

**Council Members Present:** Keith Nesbitt, Kevin Hanley, Bill Kirby, Bridget Powers, J. M. Holmes,

**Council Members Absent:** None

**Staff Members Present:** City Manager Robert Richardson, City Attorney Michael Colantuono, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Engineering Division Manager Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Police Chief Valerie Harris

### MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS

Mayor's Birthday Greeting – Annabell McCord 90<sup>th</sup> Birthday

Mayor Holmes asked Annabell McCord to join him at the lectern. He read aloud the "Mayor's Birthday Greeting" to Mrs. McCord. He said she had also received the McCann award, which was not noted in the greeting. She thanked Mayor Holmes. She said, with wonderful Council Members and volunteers, the citizens should be as proud of the City as she is.

Mayor Holmes thanked those Council Members who had confirmed their committee assignments.

He advised that he and others would be meeting with an official from the Federal Railroad Administration to discuss Quiet Zones. He also announced the following day's Economic Summit aimed at enhancing the City's economic future.

Mayor Holmes asked for a report from the Auburn Arts Commission. He also asked that the City's representative to the Placer County Economic Development Commission help with a nomination for the refurbished Victorian buildings on Maple Street.

## **AGENDA APPROVAL**

Mayor Holmes asked for the postponement of Item 12, Shuttle Services, for future discussion. He suggested it may be appropriate to discuss it at the next day's Economic Summit. It was removed from the agenda without objection by the Council. The agenda was otherwise approved without objection.

## **CONSENT CALENDAR**

1. **Minutes**

By **MOTION** approve City Council Minutes of November 24, 2008.

2. **Amended State Transit Assistance Fund Claim**

By **RESOLUTION 09-1** authorize the Director of Public Works to submit and execute on behalf of the City of Auburn the Amended 2009/09 Transportation Development Act (TDA) claims for the State Transit Assistance Fund (STA) in the amount of \$44,319 to the Placer County Transportation Planning Agency (PCTPA).

3. **Fralick Property Parcel Map**

By **RESOLUTION 09-2** approve the Fralick Parcel Map and authorize it to be filed with the Placer County Recorder's Office.

4. **Wildland Fire Protection Agreement with Cal Fire Department of Forestry & Fire Protection for Fiscal Year 2008-2009**

By **RESOLUTION 009-3** approve and authorize the Fire Chief to sign the Wildland Fire Protection Agreement with Cal Fire Department of Forestry & Fire Protection for Fiscal Year 2008-09.

5. **Dispatch Agreement Amendment for Fiscal Year 2008/09 with Cal Fire, Department of Forestry & Fire Protection**

Item removed from Consent Calendar at the request of Council Member Nesbitt.

6. **Amended and Restate Contract with City Manager Robert Richardson**

By **MOTION** approve the amended and restated contract with City Manager Robert Richardson to extend its term for two years, with no change in economic terms.

7. **Disclosure of Sales Tax Information to Two Members of the City Council**

Item removed from Consent Calendar at the request of Council Member Nesbitt.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION** approve the Consent Calendar excluding Items 5 and 7.  
**MOTION: Hanley/Powers/Approved 5:0**

5. **Dispatch Agreement Amendment for Fiscal Year 2008/09 with Cal Fire, Department of Forestry & Fire Protection**

Council Member Nesbitt stated that the "not to exceed" amount should have been placed under the "Fiscal Impact" on the staff report. He said he would like to see that in the future.

By **RESOLUTION 09-4** approve and authorize the Fire Chief to execute the dispatch agreement amendment for Fiscal Year 2008-09 with the Cal Fire Department of Forestry & Fire Protection. **MOTION: Nesbitt/Hanley/Approved 5:0**

7. **Disclosure of Sales Tax Information to Two Members of the City Council**

Council Member Nesbitt questioned the intent of the proposed resolution in allowing the Mayor to designate future committee members. City Manager Richardson explained that it is to allow those who sit on the Administrative Committee access to the confidential information. Mayor Holmes stated that a future Mayor could designate a different member of the Administrative Committee access to the information. Mayor Holmes advised that he and Council Member Hanley realize the "sensitivity of the information" and will respect that.

Council Member Kirby asked why access to the information was limited to only two members of the Council. City Attorney Colantuono advised that information could be made available to all Council Members, but that they would bear the same responsibility of confidentiality. Council Member

Kirby suggested that the information could be pertinent to decisions the Council may have to make. Mayor Holmes advised that during Closed Sessions some financial information may be shared.

By **RESOLUTION 09-5** authorize the disclosure of Sales Tax Information to Mayor Holmes and Council Member Hanley. **MOTION: Nesbitt/Powers/Approved 5:0**

8. **Public Comment**

Gordon Ainsleigh, Meadow Vista resident, stated that he was not representing the Auburn Recreation District. He said he is on the founding Board of Directors of Planning Resource Advocates for Greater Sacramento. He said, although he is a board member, he was not speaking on behalf of the Board.

He said that anything that can be done to benefit the City financially should be considered. He provided a resolution for the Council to utilize, approving rock climbing in the Auburn State Recreation Area. He stated that the Auburn area also has the third most attractive bridge in the nation for bungee jumping. He suggested "Bridge Day" be put into place for weekends of limited activities in the area. He felt visitors benefit the hotels, and the overall economy, by their support of many peripheral businesses. He said both events would bring many visitors to the area.

**REPORTS**

9. **Economic Stimulus Project List**

Public Works Director Jack Warren presented the item. He advised that the City has received requests to submit projects for the economic stimulus program to regional agencies. The projects requested are those than can get underway quickly. He said the project list may be useful but that there are varying funding issues. He outlined each item on the list to the Council. He advised that the Regional Sewer is not on the list because it is at least three years away.

Council Member Hanley stated that if the City receives some instruction as to how the stimulus program will operate, the list will need to be re-prioritized. All Council Members concurred with the added suggestion that Airport projects be given consideration for their economic impact to the City. Council questions and comments followed.

Bob Snyder, 100 Marina Avenue, suggested that a short list be created. He said the east area hangar sewer system improvements will not improve the rent structure at the Airport. He said he did not feel that the

regional sewer would take three years, especially with the involvement of the economic stimulus program. He said he would like to see it included on the list.

Dan Sokol, 1330 Deerwood Place, stated that Auburn should seek its share of the Federal stimulus funds. He said the City of Auburn should pay attention to the criteria of the Federal Government and not necessarily what the City deems a priority.

Mayor Holmes stated that no matter what the designated priority may be, all projects must be kept on the list.

10. **City Council Committee Reports**

Council Member Hanley stated that a letter from Bureau of Reclamation was sent to the local CAL FIRE unit. He said the Bureau of Reclamation has cancelled its cooperative agreement with CAL FIRE protection in the canyon because of increased cost. He said it is a serious issue because during the winter months wood fuel is removed from the canyon for fire protection in the summer. He said valuable time is being lost due to the cancellation. He said he is working with the City's Fire Chief, the Fire Safe Council and other Fire Safe Councils in an attempt to respond to the situation. He said the Bureau is acting like "an absentee land-owner on a huge amount of property" that is of potential danger to area residents and firefighters. He said the Council may expect more information at an upcoming Council meeting.

Council Member Powers mentioned that the Placer County Economic Development Commission will be hearing a report about the City of Auburn's Streetscape from Public Works Director Warren and herself.

Council Member Kirby said he had met with the Downtown Business Association. He said members were pleased with the Country Christmas and felt the businesses did very well. He said they were interested in the idea of the shuttle and having movies, such as Phenomenon, in the downtown area.

**COUNCIL BUSINESS**

11. **2009 Cap-to-Cap Trip**

City Manager Richardson presented the item. He suggested Council select a representative. He stated that it will probably be a unique trip this year regarding the availability of funding from the Federal Government. He said the cost would be \$3495.00 per participant plus a basic per diem.

Council Member Hanley supported the item. He suggested that a Council session be held with staff and residents to discuss lobbying items. He also requested a report from the representative after the trip.

Mayor Holmes stated that he asked that item be placed on the agenda at this time because enough time had to be allowed for its consideration. He said he has been on the trip for four or five years. He said he felt it to be a very useful way to communicate with elected representatives and their staff. He said, while the City does not always see immediate results, there is an opportunity present our concerns. He said he is proposing that he go on the trip and is prepared to limit the City's expenditure to \$2000.00. He said letters from him have already been sent to our representatives with some of the City's concerns. He said he will meet with a representative of Congressman McClintock's office to discuss some of Auburn's issues.

Council Member Hanley suggested that the item be placed on the agenda of the next Council meeting to prioritize the items.

Council Member Nesbitt said that moving too quickly in setting the priorities may be a mistake. He said he would suggest getting an idea of the Federal Government's plan before itemizing priorities. He said, as the Chairman of the Placer County Transportation Planning Agency, he has been invited to attend the Cap-to-Cap as a transportation advocate. He said that by the next meeting the Council may still not know what the economic stimulus package will entail.

City Manager Richardson stated that he would check the time frame for requests to be presented to the Cap-to-Cap group. Mr. Warren advised that they are currently taking projects to be placed on the lobbying list. Mr. Richardson advised that staff will obtain the exact time frame.. Accordingly, the item will be placed on an agenda appropriate to the time frame or a special session will be held if needed.

Council Member Powers advised that the Sacramento Chamber of Commerce creates teams that make appointments with various elected officials. Those teams have designated regional priorities for which they lobby. She said, as a City, we would make individual appointments, to specifically deal with the City's needs. She suggested that, whoever is the representative, he/she becomes a part of a team topic group.

Council Member Kirby agreed that a representative should participate in the Cap-to-Cap event. He stated that he would like to attend, at his own expense, as a learning experience as well as a participant. He recommended that the City fund all "reasonable expenses" for Mayor Holmes if he is the selected representative.

Dan Sokol, 1330 Deerwood Place, said he has always been opposed to the City paying for the Cap-to-Cap event. He said this year he actually favors sending a representative in light of the proposed Economic Stimulus Program. He suggested that in addition to making appointments with State representatives, appointments should be made with Federal staff for hints on obtaining grants.

By **MOTION** (1) send Mayor Holmes to the annual Cap-to-Cap trip and (2) have the City Council hold a future Council Session to develop lobbying priorities and (3) after the trip submit a report to the City Council and make it available to the public and (4) ask Council Member Holmes to work with Council Members Kirby and Nesbitt to assist in the lobbying effort.

**MOTION: Hanley/Powers**

By **AMENDED MOTION** add that all "reasonable expenses" for the delegate are paid by the City with a cap of \$3200.00. **MOTION: Kirby/Nesbitt**

Council Member Powers asked the City Manager to explain the current policy for Council Member expenditures. Administrative Director Heath answered that typically meal expenses are governed by the I.R.S. per diem rates that change over time and depending on where the event is held. Council discussion followed. Council Member Nesbitt suggested that airfare be added as a paid expense along with "reasonable expenses."

City Attorney Colantuono explained the effect of the amendment is to state a budget for the trip. He said the City has policies regarding particular expenditures, mandated by state law. He said the essence of the amendment was to state a dollar ceiling on the amount to be expended.

By **AMENDED MOTION** (1) send Mayor Holmes to the annual Cap-to-Cap trip and (2) have the City Council hold a future Council Session to develop top lobbying priorities and (3) after the trip submit a report to the City Council and make it available to the public and (4) ask Council Member Holmes work with Council Members Kirby and Nesbitt to assist in the lobbying effort and (5) add a \$3200.00 cap for the delegate's expenses. **Hanley/ Powers/Approved 5:0**

12. **Shuttle Services from the Fairgrounds to the Business Districts**

Item removed from agenda.

## **ADJOURNMENT**

Mayor Holmes, without objection, adjourned the meeting to the closed session at 7:40 p.m.

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By **MOTION** adjourn to a Closed Session under Government Code Section 54957:6 **MOTION: Hanley/Nesbitt/Approved by Voice**

## **CONFERENCE WITH LABOR NEGOTIATORS**

Agency Designated Representatives: Robert Richardson  
Employee Group: All Bargaining Units

## **REPORT OUT OF CLOSED SESSION**

No reportable Action

## **ADJOURNMENT**

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J. M. Holmes, Mayor

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Joseph G. R. Labrie, City Clerk

## **CITY COUNCIL MINUTES**

**January 20, 2009  
SPECIAL SESSION**

The Special Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Tuesday, January 20, 2009 at 5:00 p.m. with Mayor J.M. Holmes presiding and City Clerk Joseph G.R. Labrie recording the minutes.

### **CALL TO ORDER PLEDGE OF ALLEGIANCE**

#### **ROLL CALL:**

**Council Members Present:** Kevin Hanley, Bill Kirby, Bridget Powers, J. M. Holmes, Keith Nesbitt (absent for roll call)

**Council Members Absent:** None

**Staff Members Present:** City Manager Robert Richardson

#### **PUBLIC COMMENT**

None

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By **MOTION** adjourn to a Closed Session under Government Code Section 54957:6 **MOTION: Hanley/Powers/Approved by Voice (Absent Nesbitt)**

Council Member Nesbitt was in attendance for the closed session.

- (1) **CONFERENCE WITH LABOR NEGOTIATORS**  
Agency Designated Representatives: Robert Richardson

Employee Group: All Bargaining Units

- (2) **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**  
G.C. 54956.8

Property: Parcel Nos. 038-150-002,006,007 & 038-250-014  
Agency

Negotiator: Robert Richardson, City Manager

Negotiating  
Parties: City of Auburn, Costco, Inc.

Under Negotiation: Price and Terms of Payment

(3) **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
G.C. 54957

Title: City Manager

**REPORT OUT OF CLOSED SESSION**

No reportable action.

**ADJOURNMENT**

Mayor Holmes adjourned the meeting without objection.

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J. M. Holmes, Mayor

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Joseph G. R. Labrie, City Clerk

## **CITY COUNCIL MINUTES**

**January 26, 2009**

### **REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, January 26, 2009 at 6:00 p.m. with Mayor J.M. Holmes presiding and City Clerk Joseph G.R. Labrie recording the minutes.

#### **CALL TO ORDER**

#### **PLEDGE OF ALLEGIANCE**

Led by Cub Scout Den 7, Pack 1

#### **ROLL CALL:**

**Council Members Present:** Keith Nesbitt, Kevin Hanley, Bill Kirby, Bridget Powers, J. M. Holmes,

**Council Members Absent:** None

**Staff Members Present:** City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Engineering Division Manager Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Police Chief Valerie Harris

#### **MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS**

Mayor Holmes thanked everyone who attended the Economic Summit. He said there were approximately 80 persons in attendance. He said many ideas were gathered as to how to move the City economically forward. He said the City's Economic Development Commission will follow up on some of the ideas presented.

Mayor Holmes advised that he and staff met with a representative of the Federal Railroad Administration regarding "Quiet Zones."

Mayor Holmes stated that he sent a letter to the Placer County Water Agency (PCWA) asking for support on the Regional Wastewater Treatment Plant. He said the agency did not promise any funding but it did agree that the regional solution is in the best interest of the entire community. He said PCWA will send letters of support to elected representatives.

## AGENDA APPROVAL

The agenda was approved as presented by consensus of the Council.

## CONSENT CALENDAR

1. **Minutes**

Item removed to follow Consent Calendar at the request of Council Member Powers.

2. **Warrants**

By **RESOLUTION 09-6** ratify and approve payment of warrants 70820 through 71559 totaling \$3,528,714.39.

3. **Application for Funding from the Over-the-Counter Economic Development Allocation of the State CDBG Program for Reneson Hotels, Inc.**

By **RESOLUTION 09-7** approve an Application for Funding from the Over-the-Counter Economic Development Allocation of the State CDBG Program and identifying the responsible party for grant administration.

4. **Consultant Agreement for the Falcons Point Sewer Pump Station**

Item removed to follow Consent Calendar at the request of Council Member Nesbitt.

5. **Auburn Municipal Airport – East Area Hangar Project Amendment to Consultant Agreement – Phase IV**

By **RESOLUTION 09-9** approve Phase IV of the consultant agreement with Mark A. Machado in the amount not to exceed \$54,000.

6. **Public Notification--CalPERS Two-Year Service Credit Future Annual Costs**

By **RESOLUTION 09-10**, in accordance with Government Code Section 7507, make public for two weeks prior to adoption of a resolution establishing a designated period for two years additional service credit, the costs of providing benefits under the California Public Retirement System's (CalPERS) Two-Year Service Credit program, estimated to be \$111,009.60.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION** approve the Consent Calendar consisting of Items 2, 3, 5 and 6. **MOTION: Hanley/Powers/Approved 5:0**

1. **Minutes**

Council Member Powers requested that the minutes of December 8, 2008, Special Session, reflect that she nominated Mayor Holmes and not Council Member Nesbitt as shown. Council Member Nesbitt noted a correction in the spelling of a name from Kurt Smith to Curt Smith.

By **MOTION** approve City Council Minutes of December 8, 2008, Special Session and Council Reorganization, and December 30, 2008 as corrected. **MOTION: Powers/Hanley/Approved by Voice**

4. **Consultant Agreement for the Falcons Point Sewer Pump Station**

Council Member Nesbitt referred to a letter in the agenda packet from Edward M. Giuliani regarding a SCADA system. He asked for an explanation of the system and the reason for its initial exclusion.

Public Works Director Jack Warren explained that Supervisory Control and Data Acquisition (SCADA) is a computer-based notification system from the pump station to the Wastewater Treatment Plant, or another selected site, that a problem has arisen. He estimated that the component for the lift station would be about \$10,000. He said the cost for citywide service would probably range from \$150,000 to \$200,000. He said the communication component of the system operates via "line of sight," point to point, technology. Engineering Division Manager Schroeder advised that the lift station is at the lowest point and therefore difficult to obtain a "line of sight." She said there are alternatives, but for Vintage Oaks and Falcons Point there are no alternatives at this point.

By **RESOLUTION 09-8** authorize the Director of Public Works to execute a consultant agreement with Giuliani & Kull, Inc. for design engineering services for the Falcons Point Sewer Pump Station. **MOTION: Nesbitt/Powers/Approved 5:0**

7. **Public Comment**

None.

## PUBLIC HEARING

### 8. Ordinance Amendment Public Noticing Requirements

Community Development Director Will Wong stated that the Council previously initiated an ordinance amendment to update the public notification requirements for planning projects. He said staff used Placer County's Ordinance as an example. Mr. Wong explained how the staff and Planning Commission then set parameters for signing requirements within the city.

Council Member Hanley stated that he was concerned with additional costs to businesses by imposing the cost of public notification signs. He said other cities are trying to reduce fees. He recommended that the City go forward on the 500' mail notice and postpone the proposed sign portion of the ordinance for a year or more.

Council Member Nesbitt said, considering the size and expense of a large project, he did not see the cost of a sign as a financial hardship. He said he would support the Planning Commission's recommendation.

Council Member Kirby said there was no reason to oppose Mr. Hanley's recommendation in a small town where projects of that size could be properly noticed.

- A. By **MOTION** find that the amendment to the City of Auburn Zoning Ordinance is Statutorily Exempt from the California Environmental Quality Act (CEQA) per Section 15061(b) for the adoption of an ordinance regarding public noticing requirements, and
- B. By **MOTION** introduce and hold a first reading, by title only, of the Public Noticing Requirements Ordinance, consisting of the changes that propose mailing notifications from 300' to 500' and postpone to one year from now the changes on the public notification sign. **MOTION: Hanley/Powers/Approved 5:0**

City Attorney Colantuono advised, "It is exactly everything in the ordinance except for Paragraph C of proposed Section 159.460."

## REPORTS

### 9. Department of Public Works – Quarterly Projects

Public Works Director Jack Warren provided Council with a handout of the Capital Improvement Work Plan 2008-2009. The projects included were:

sewer, streets, storm drains, transit, general community, airport, and city buildings/facilities. He also included Auburn Urban Development Authority projects. Mr. Warren and Engineering Division Manager Schroeder provided the status of various projects to the Council.

Mayor Holmes advised that the Council has to come to some type of a conclusion, within the next couple of months, regarding the regional solution vs. upgrades to the local plant. He asked that a report be prepared for Council discussion by the end of February, if feasible.

Council encouraged the setting of frequent dates for the disposal of pharmaceuticals and controlled substances. All agreed that disposal of controlled substances has become a huge issue. People are flushing unused drugs down toilets causing serious water pollution problems.

Mayor Holmes stated that he felt the effort to establish a "Quiet Zone" should be continued. He said, even though he and Mr. Warren met with a representative of the Federal Railroad Administration, he would like to get more specifics as to what modifications may be required to establish a zone. He also suggested that the City Attorney advise of liability issues that the City may have with the establishment of a "Quiet Zone."

Council Member Hanley stated that previous Council Member Snyder had recommended, and the Council supported, that those living close to the railroad tracks would pay a little more, as an assessment zone, for the City to look into proposed Quiet Zone to see if it was feasible.

Mr. Warren stated that it felt the issue was not worth exploring further. He said the number of the people that complain, compared to the boundaries of influence, differ greatly. Mayor Holmes stated that there have not been many complainants.

Council Member Hanley said the homeowners may be willing to pay a certain assessment because their home values would increase. City Manager Richardson stated that, if it is the desire of the Council to explore the idea further, staff would prepare a presentation. Council Member Nesbitt stated that he would like to see what the "fair share" would be for those closest to the tracks. Mr. Warren stated that the estimate for the directional horns will be \$50,000 to \$75,000. Mr. Holmes suggested that the Council wait to see what the Federal Railroad Administration has to say regarding modifications that will need to be made.

Council Member Nesbitt requested that, after follow-up with the Administration's representative, the item be brought back to the Council for further discussion.

Public Works Director Warren advised that there are no funds to complete portions of the jury parking lot. He said the solution may be to break the work into phases. He advised that a report will be on the next agenda.

Mayor Holmes advised that there is a group that would like to place a monument near the In-and-Out Burger. He asked about the area that CalTrans controls and its relinquishment of property in that area. Mr. Warren stated that he was not certain if it was outside of the CalTrans relinquishment area.

10. **Multi-Modal Parking Lot**

Engineering Division Manager Schroeder stated there was an increase in rail usage when gas prices increased. She said there was a need to seek additional parking. She advised that Creekside Office Park could temporarily provide additional parking. However, rail ridership decreased when gas prices decreased. She advised that there is not an additional parking need at this time. Council Member Hanley suggested that the Blocker Drive property may be a future solution. The Council took no action but received the report.

11. **City Council Committee Reports**

Council Member Nesbitt reported on the Youth Advisory Commission (YAC). He said the members are involved in a cooperative effort with Placer County Water Agency (PCWA) regarding water conservation. He said, since May is Water Conservation Month, the YAC will be teaming up with other campus groups to provide presentations to local groups that month.

Council Member Powers advised that on January 15<sup>th</sup> the Placer County Economic Development Commission met. The City of Auburn gave two presentations at the meeting. She thanked Mr. Warren for his presentation on the Streetscape. She advised that she reported on the City's Economic Summit.

Council Member Kirby stated that he met with the Traffic Commission. He said he also met with the Placer-Nevada County Wastewater Authority. He advised that Lincoln is not going to authorize any additional expenditure for regional sewer design. It was suggested that the Federal stimulus program may help with design funds. Regarding the regional wastewater solution, he said a study revealed that 75% of the residents in unincorporated areas preferred the "stay-at-home" option.

Mayor Holmes stated that he has sent letters to the offices of Senator Boxer, Feinstein, and Representative McClintock. He said that he and

Engineering Division Manager Schroeder had a meeting with a representative from Senator Boxer's office. It was suggested that stimulus package may make funds available for the regional plant or to help the City upgrade the local plant.

## **COUNCIL BUSINESS**

### **12. Bureau of Reclamation Lands Adjacent to the City of Auburn**

Fire Chief Mark D'Ambrogi, on behalf of Council Member Hanley, presented a letter regarding the cancellation of the Bureau of Reclamation's contract with Cal Fire. He said Cal Fire provides fire suppression services to the State recreation area, which borders 75% of the City. He said his office has sent a letter to the Bureau of Reclamation. He asked the Bureau if money was available to the City to provide fuels management, and the process the City should use to obtain permission to provide fuels management on Bureau property.

Council Member Hanley, Fire Safe Council Chair, stated that for the past six years the Fire Department, Cal Fire, the Federal Government worked together to lessen the fire danger with a shaded fuel break in the canyon. He said the recent cancellation of the cooperative agreement indicates that the Federal Government does not seem as committed as it should be to take care of its lands. He said it endangers citizens and firefighters. He advised that he drafted letters to Senators Boxer and Feinstein and Representative McClintock for Council consideration. He added that copies also be sent to State Legislative Representatives' Senator Cox and Assemblyman Gaines. He said the City is asking for one of two solutions: (1) Federal legislation that would authorize the Bureau to engage in cooperative agreements and enough money to perform vegetation management or (2) give the City the opportunity to annex those lands.

Council Member Powers and Council Member Kirby stated their support for the letter with annexation as their choice for a long-term solution.

Mayor Holmes stated that he seems to get a better response from Senator Boxer's office. Council Member Hanley stated that it comes down to which representative is willing to take on the issue. He said he wants to express the urgency of fire protection, but if the Council agrees that the ultimate consideration should be annexation, he would redraft the letter and return it for Council Members' signatures at that time.

Fire Chief D'Ambrogi stated the common question is, "What fire suppression will take place?" He advised that all surrounding fire agencies have agreed to perform duties as usual to cooperate in keeping fires small. He said he knows the Bureau of Land Management has a

program to allow private citizens to do work on Federal property. He said he may have the opportunity to seek grant funding. He said prior permission would allow him to tailor the grant to use those funds. He said it is uncommon to use Federal Grant monies on Federal property without prior permission.

Mayor Holmes stated that it is his understanding that there will not be a Project Auburn this year. He said he suggested to the Rotary Club and other services clubs that they may want to get involved in the shaded fuel break maintenance. He said it could be a weekend project.

By **MOTION** authorize a re-drafted letter to Federal Representatives, adding copies to State Senator Cox and State Assemblyman Gaines, requesting assistance regarding the termination of the Cooperative Agreement between the Bureau of Reclamation and Cal Fire for wild land fire protection and vegetation management in the Auburn Recreation Area adjacent to the City of Auburn be sent on behalf of the Auburn City Council. **MOTION: Hanley/Nesbitt/Approved 5:0**

13. **Potential Project List for Federal Funding Request – Cap to Cap Project List**

Public Works Director Warren stated that the list for Federal funding had to be sent to the Sacramento Chamber on Friday, January 23, 2009. However, if the Council chose to amend the list, it could be revised.

Mayor Holmes stated that although he presented projects in years past, the City did not receive funds. He said the representative from Senator Boxer's office indicated that the City has a "shovel ready" project; therefore, it may be beneficial to add the upgrade of the Wastewater Treatment Plant. He said the County will be presenting the regional wastewater project. Mr. Holmes stated that, once the City has the position papers prepared, advance copies should be sent to our representative in Congress and our Senators and to Doris Matsui. He said that, although she is not our representative, she is a representative in the region, as is Dan Lungren. He also suggested that a separate letter be sent to the Chair of the Committee in the House with the point papers.

Council Member Hanley recommended that the Fire Chief prepare an issue paper for the shaded fuel break. Mayor Holmes suggested that position papers should be prepared for (1) Lincoln Basin Drainage, (2) Electric Street Stormwater, (3) Regional Sewer Project (4) Shaded Fuel Break and (5) Upgrade City Wastewater Treatment Plant.

By **MOTION** accept the project list, (1) Lincoln Basin Drainage, (2) Electric Street Stormwater, (3) Regional Sewer Project (4) Shaded Fuel Break and

(5) Upgrade City Wastewater Treatment Plant, for Federal funding request, and other actions, and direct staff to prepare "Issue Papers" on each project. **MOTION: Hanley/Powers/Approved 5:0**

14. **Wastewater Treatment Plant Mandatory Minimum Penalty**

Public Works Director advised that Regional Water Quality Control Board has been working through a backlog of mandatory minimum penalties that go back to the year 2000. He said last November the Board initiated a penalty against the City in the amount of \$90,000. He said in an attempt to lessen the penalty, the City of Auburn presented to the Board a Supplemental Environmental Project (SEP) to which \$30,000 could be applied. The Regional Board advised that the proposal did not go beyond the normal obligation of the City and, therefore, did not meet requirements. The Board advised that the City could present a new proposal by February 6, 2009.

Mr. Warren advised that the cost of a revised SEP could exceed the cost of the fine. He, therefore, recommended the fine be paid. He said the fine has been reduced by the Board from \$90,000 to \$60,000. He said Ch2mHill-OMI has agreed to pay \$27,000, leaving the balance \$33,000 for the City to pay.

Council questions and comments followed regarding OMI, the Water Quality Control Board fines and future environmental projects.

Ken Yeo, Auburn resident, presented written information to Public Works Director Jack Warren regarding sewage system equipment that can be leased.

By **MOTION** accept the Administrative Civil Liability Complaint Rf-2008-0599 and pay the penalty. **MOTION: Hanley/Powers/Approved 5:0**

15. **East Lincoln Way Sidewalk Project – Cost Overrun**

Public Works Director explained that the City became aware last Fall of some cost overruns. He said it was not taken to the Council at that time because both the extent of the problems encountered and the exact cost was not known. He said much of the overrun was due to a poorly designed project, the cost of excavation, unanticipated need to move power poles and elevation and drainage issues were incomplete.

Mr. Warren said the City is familiar with the Contractor who has always performed well. He said it is a reliable and competent firm. Therefore, Mr. Warren felt the additional cost was warranted. Western Engineering

agreed not to exceed \$100,000. Mr. Warren made an inquiry to the State to ascertain if the grant money could be augmented to cover the additional cost. He received an acknowledgement that it is being reviewed. He advised that staff is proposing utilizing funds originally designated for other capital projects within the Transportation Fund Budget.

Council questions and comments followed regarding selection of the design firm, the construction bid, future design review, final change order request and the original grant amount.

Curt Smith, Auburn resident, stated that he found it interesting that there is no recourse for the City with the design firm that did not perform properly. He said most contracts have some way to address performance issues and asked why this contract did not. He said someone should have noticed that there were telephone poles in the project area.

Engineering Division Manager stated that the need to move poles was not clear at the time of the walk through. She said that dialogue has been proposed with the design firm principals to determine what responsibility they plan to take. She said there are "errors and omissions" in the contract, and that the agreement was a standard agreement.

City Attorney Colantuono advised that, if the City has cause to believe it has a "credible basis that the design professionals did not meet the standard of care that the professional agreement requires them to meet," the City starts discussion with them. He said frequently an issue can be resolved through dialogue. If it cannot be resolved, the City has to make a judgment as to the cost to correct inadequate work vs. the cost of legal action. He advised that further comment to the Council should be made in a confidential setting.

By **MOTION** approve in concept a contract change order to Western Engineering Construction to completion of the East Lincoln Way Sidewalk Project in an amount not to exceed \$100,000.00. Funding for this extra work is proposed to come from within the Transportation Fund as described in the Fiscal Impact Section of this report. **MOTION: Kirby/Hanley/Approved 5:0**

## **ADJOURNMENT**

Mayor Holmes, without objection, adjourned the meeting at 8:23 p.m.

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J. M. Holmes, Mayor